

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARIUS DE'MON LAKE,

Plaintiff,

v.

A. BUSTAMANTE, et al.,

Defendants.

No. 2:23-cv-01310-TLN-DB

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 17, 2023, the magistrate judge filed findings and recommendations herein which were served on Plaintiff, and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff did not file objections to the findings and recommendations.

The Court reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

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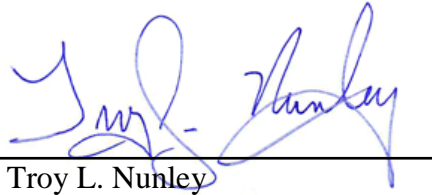
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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed July 17, 2023 (ECF No. 6) are ADOPTED IN FULL;
2. Plaintiff's motion to proceed in forma pauperis (ECF No. 2) is DENIED as moot;
3. This action is DISMISSED without prejudice; and
4. The Clerk of the Court is directed to file the complaint in this case (ECF No. 1) as the first amended complaint *Lake v. Oboyle, et al.*, No. 2:23-cv-0130-AC-P and then close this case.

Date: August 23, 2023



Troy L. Nunley
United States District Judge